

DADE COUNTY
GUIDELINE #25: STUDENT PUBLICATIONS/MEDIA

CURRENT PRACTICES AND PROCEDURES

The Dade County School Board recognizes that an unfettered student press is essential in establishing and maintaining an atmosphere of open discussion, intellectual exchange, and freedom of expression on campus.

It is, therefore, the policy of Dade County Public Schools that student journalists shall be afforded protection against censorship.

Such freedom does not extend to the three classifications of material that are prohibited by law or not protected by the First Amendment (see section D for legal definitions):

1. Obscene as to minors .
2. Defamatory, including libel and slander
3. Materially and substantially disruptive of school activities

PROCEDURES

A. School-sponsored Publications/Media

1. Students who work on official student publications will:

- a. rewrite material, as required by the faculty advisors, in order to improve sentence structure, grammar, spelling, and punctuation
- b. check and verify the accuracy of all facts and quotations
- c. provide space in the same issue of the newspaper, when feasible, for rebuttal and opinions in case of news articles, editorials, or letters to the editor concerning controversial issues
- d. determine the content of the student publication/media so as not to publish any defamatory material or material which is obscene as to minors or which would cause a substantial disruption of school activities. All other content is considered appropriate and shall not be censored.
- e. consult with legal resources, local and national, in any case where the legality of content is questioned provided however that resolutions of disputes will rest with the advisor.

2. Advisors to official school publications will:

- a. serve primarily as teachers whose chief responsibility is guiding students to an understanding of the nature, function, and ethics of a free press and of student publications, not acting as censors. Also, insure that publications are free of any defamatory material or material which is obscene as to minors or which would cause a substantial disruption of school activities.
- b. encourage the staff toward editing an intelligent publication that presents a complete and unbiased report and that reflects accurate reporting and editorial opinion based upon facts
- c. function as liaison between officials and students to ensure full communication of administrative guidelines to:
 - (1) students—advising of their right to print without censorship or prior administrator review
 - (2) school officials—advising that it is the duty of the institution to allow full and vigorous freedom of expression
- d. ensure that guidelines for the staffing and operation of scholastic publications are developed in concert with the publication's current staff and furnished to administrators
- e. consult with legal and/or other resources about the legality of content

3. School administrators will:

- a. communicate to the advisor and student editors any district guidelines that may affect student publications/media
- b. be aware of the most current court rulings as they relate to free expression
- c. support the First Amendment rights of students and the efforts of publication/media advisors to guarantee those rights in their daily work with publications/media-communicate to other members of the school community the rights of student journalists to question, inquire, and express themselves through student publications/media
- d. exercise no prior review

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- e. not terminate, transfer, or remove a person from his/her advisorship for failure to exercise editorial control over student publications/media or otherwise suppress the rights of free expression of student journalists
- f. not impose academic disciplinary action upon students, except in cases involving violations of unprotected speech

B. Literature Not Sponsored by School

1. Publication

- a. Students should have the right to publish on their own, to possess, and to distribute on school grounds printed material not sponsored by the school when it is consistent with distribution policies of the school and the content is such that it will not create disruption in the conduct of school activities.
- b. Students publishing material not sponsored by the school may not use the school's name when soliciting advertisers. Those who do will be subject to the disciplinary action of the school.
- c. Students who publish such literature should be made aware of the legal responsibilities for defamatory or obscene material.

2. Distribution

- a. Each school should establish reasonable~ regulations regarding the time, place, and manner of distribution of all student publications.
- b. Distribution should be conducted in a manner that does not interfere with the normal flow of traffic, both within the school and at exit doors.
- c. Distribution should be conducted in a manner that prevents undue noise that interferes with normal classroom activities.
- d. Students distributing literature should not interfere with the rights of others to accept or reject such literature.
- e. Students who distribute material not sponsored by the school are responsible for the removal of litter created, or for the cost of having such litter removed.
- f. There should be no other regulation of the distribution process except, as with other modes of expression, where such activity directly causes, or is clearly likely to cause, physical harm or the substantial and material disruption of the educational process.

Guideline #25: Student Publications/Media (continued)

C. Bulletin Boards

1. Ample bulletin board space should be provided for the use of students and student organizations, including an area for notices relating to out-of-school activities or matters of general interest to students.
2. Regulations should require that notices or other communications be dated before posting and that such material be removed after a prescribed, reasonable time to ensure full access to bulletin boards.
3. School authorities may restrict the use of certain bulletin boards to official school announcements.

D. Definitions Unprotected Speech

There are three classifications of speech that are prohibited by law or not protected by the First Amendment. Following publication, use of these types of speech may be subject to legal and/or official school action.

1. The **first** classification is material that is “obscene as to minors.” **Obscene as to minors** is defined as follows:
 - a. The average person, applying contemporary community standards, would find that the publication, taken as a whole, appeals to a minor’s prurient interest in sex.
 - b. The publication depicts or describes, in a patently offensive way, sexual conduct such as the ultimate sexual act (normal or perverted), masturbation, excretory functions, and lewd exhibition of genitalia.
 - c. The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.
 - d. “Minor” means any person under the age of eighteen.
2. The second classification is material which is defamatory. Defamation is the publication of a false unprivileged communication about an individual which injures that person’s reputation in the community. If the publication is written, it is libelous. If it is spoken, it is slander.

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If the allegedly defamed individual is a “public figure” or “public official,” as defined below, then school officials must show that the false statement was published “with actual malice,” i.e., that the student journalists knew that the statement was false, or that the statement was published with reckless disregard for the truth without trying to verify the truthfulness of the statement.

- a. A public official is a person who holds an elected or appointed public office.
 - b. A public figure is a person who either seeks the public’s attention or is well-known because of personal achievements.
 - c. School employees are to be considered public officials or public figures in articles concerning their school-related activities.
 - d. When an allegedly defamatory statement concerns a private individual, school officials must show that the false statement was published willingly or negligently, i.e., the student journalist failed to exercise the care that a reasonably prudent person would exercise.
 - e. Under the “fair comment rule,” a student is free to express an opinion on matters of public interest. Specifically, a student enjoys the privilege of criticizing the performance of teachers, administrators, school officials; and other school employees.
3. The **third** classification is **material that will cause “a material and substantial disruption of school activities.”**
- a. Disruption is defined as student rioting; unlawful seizures of property; destruction of property; widespread shouting or boisterous conduct; or substantial student participation in a school boycott, sit-in, stand-in, walk-out, or other related form of activity. Material that stimulates heated discussion or debate does not constitute the type of disruption prohibited.
 - b. In order for a student publication/media to be considered disruptive, there must exist specific facts upon which it would be reasonable to predict that a clear and present likelihood of an immediate, substantial, material disruption of normal school activity would occur if the material were distributed. Mere undifferentiated fear or apprehension of disturbance is not enough; school administrators must be able to present substantial facts which reasonably support a prediction of likely disruption.

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- c. In determining whether a student publication/media is disruptive, consideration must be given to the context of the distribution as well as the content of the material. In this regard, consideration should be given to past experience in the school with similar material, past experience in the school in dealing with and supervising the students, current events influencing student attitudes and behavior, and whether there have been any instances of actual or threatened disruption prior to or contemporaneously with the dissemination of the student publication in question.
- d. School personnel must act to protect the safety of advocates of unpopular viewpoints.